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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 v.) 3:13-CR-055-RCJ-(WGC)
11 BRIAN JAMES PYATT,)
12 Defendant.)

13 **PRELIMINARY ORDER OF FORFEITURE**

14 This Court finds that on December 16, 2013, defendant BRIAN JAMES PYATT pled guilty
15 to Count One of a One-Count Criminal Indictment charging him with Felon in Possession of a Firearm
16 in violation of Title 18, United States Code, Section 922(g)(1). Indictment, ECF No. 1; Change of
17 Plea, ECF No. 21; Plea Agreement, ECF No. 22.

18 This Court finds defendant BRIAN JAMES PYATT agreed to the forfeiture of the property
19 set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment. Indictment,
20 ECF No. 1; Change of Plea, ECF No. 21; Plea Agreement, ECF No. 22.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America
22 has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture
23 Allegation of the Criminal Indictment and the offense to which defendant BRIAN JAMES PYATT
24 pled guilty.

25 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
26 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 1 1. Browning Model 1900 brand, 7.65mm caliber handgun, Serial Number 301320; and
- 2 2. any and all ammunition
- 3 (all of which constitutes "property").

4 This Court finds the United States of America is now entitled to, and should, reduce the
5 aforementioned property to the possession of the United States of America.

6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
7 United States of America should seize the aforementioned property.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
9 BRIAN JAMES PYATT in the aforementioned property is forfeited and is vested in the United States
10 of America and shall be safely held by the United States of America until further order of the Court.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
12 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
13 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
14 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
15 name and contact information for the government attorney to be served with the petition, pursuant to
16 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
18 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
19 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
20 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
21 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
22 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
23 petition and the relief sought.

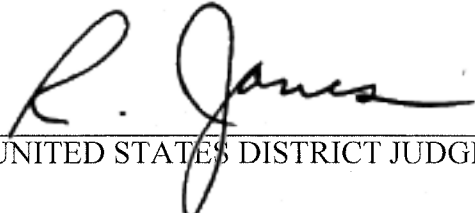
24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
25 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
26 Virginia Street, 3rd Floor, Reno, NV 89501.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
3 following address at the time of filing:

4 Greg Addington
5 Assistant United States Attorney
6 100 West Liberty Street, Suite 600
7 Reno, NV 89501

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
10 following publication of notice of seizure and intent to administratively forfeit the above-described
11 property.

12 Dated this 3rd day of January, 2014.

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15 UNITED STATES DISTRICT JUDGE
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